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TO: Examiner: Chakrabarti, A.
Group 1634

U.S. Patent & Trademark Office
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Number of pages (including this cover page): 3

GROUP 1600

In re Patent Application of:)	Group Art Unit: 1634
)	
BECKER)	Examiner: Chakrabarti, A.
)	
Serial No. 10/020,596)	Confirmation No. 6565
)	
Filed: December 7, 2001)	Atty. Docket No. GP123-02.UT
)	
For: METHOD AND KITS FOR)	Date: April 21, 2003
ENHANCING THE ASSOCIATION)	
RATES OF POLYNUCLEOTIDES)	

Transmitted herewith:

Response to Restriction Requirement (2 pgs.).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9306 on the date indicated below to the Commissioner for Patents, Washington, D.C. 20231.

Date: April 21, 2003

By: 

Charles B. Cappellari, Reg. No. 40,937

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Group Art Unit: 1634
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BECKER)	Examiner: Chakrabarti, A.
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Serial No. 10/020,596)	Atty. Docket No. GP123-02.UT
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Filed: December 7, 2001)	Confirmation No. 6565
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For: METHOD AND KITS FOR)	VIA FACSIMILE
ENHANCING THE ASSOCIATION)	
RATES OF POLYNUCLEOTIDES)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In an Office Action mailed on March 25, 2003 in the above-captioned application, the Examiner required restriction under 35 U.S.C. § 121 to the invention of claims 1-36 (Group I), claims "drawn to a method of nucleic acid hybridization," or claims 37-60 (Group II), claims "drawn to a kit comprising nucleic acids." In support of this restriction requirement, the Examiner argues that the "nucleic acids of Group II . . . can be used to make RNA or protein or can be used to make antisense nucleic acids for gene therapy." Applicants respectfully traverse this rejection on the ground that the Examiner has failed to establish that the components of the claimed kits can be used for the alternative purposes suggested by the Examiner, as required by MPEP § 806.05(h) at 800-46 (8th ed., Aug. 2001). Specifically, the Examiner has failed to consider that the claimed kits of Group II include, in addition to a polynucleotide probe, a synthetic polymer which is provided in an amount sufficient to increase the association rate of the probe and a target nucleic acid. Thus, Applicants submit that the Examiner's restriction requirement improperly fails to consider all the limitations of the claims and, accordingly, should be withdrawn for failing to provide a viable alternative use for the components of the claimed kits. See MPEP § 806.05(h) at 800-46 ("the burden is on the examiner to support a viable alternative use or withdraw the restriction requirement").

RESPONSE

Serial No. 10/020,596
Atty. Docket No. GP123-02.UT

In accordance with the provisions set forth in 37 C.F.R. § 1.143, Applicants hereby provisionally elect the claims of Group I for prosecution.

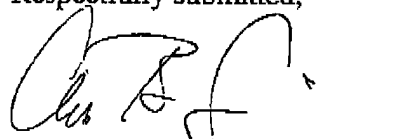
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Respectfully submitted,

Date: April 21, 2003

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